REMARKS

In the above-referenced Office Action, the Examiner rejected claims 1-3, 5, 7-10 and 12 under 35 U.S.C. §102(b) as being anticipated by Bruckner et al. (U.S. Patent 5,546,495). The Examiner also indicated that claims 4, 6, 11 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections – 35 U.S.C. §102

Pursuant to paragraphs 2 and 3 of the above-reference Office Action, claims 1-3, 5, 7-10 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Bruckner et al. The Examiner asserts that Bruckner et al. discloses "a bias member including a pair of tension members **62** extending toward the support member **36** so as to define an acute angle with the support **36**" and further teaches that "the second end [of the tension member **62**] includes an upturned lip, which can be facilitated [sic: can facilitate] lifting of the tension member **62**." Applicants respectfully traverse the rejection for at least the following reasons.

Bruckner et al. discloses a splice tray cabinet **10** defining an interior cavity for receiving one or more splice tray racks **22** that support a plurality of optical fiber splice trays **26**. The splice tray rack **22** comprises a plurality of horizontally disposed shelves **36** having a support surface **36** that extends from the back panel **38** to a lip **48** projecting upwardly from support surface **36**. As stated beginning at column 3, line 53:

> Each splice tray **26** is held in a tray receiving region **50** by a resilient member **52** defining a compressible tray-engaging surface opposing and spaced from lips **48** a distance less than the width of the splice tray **26** and acting generally parallel to support surface **46**. ... When a splice tray **26** is positioned within the receiving region **50**, sponges **52**, **52a** undergo local deformation along the end **56** of the splice tray and exert a force on splice tray **26** that pushes it against the lip **48**, thereby holding the splice tray **26** in place.

And at column 4, lines 18-24:

> Referring to FIGS. 1 and 4, a pair of safety *straps* **62** is incorporated into splice tray rack **22** for *overwrapping* splice trays therein to prevent inadvertent dislodging of the splice trays. Rearward ends of safety straps **62** extend through a top slot **64** and a bottom slot (not shown) in back panel **38**, thereby *encompassing* the splice trays, and are releasable to provide access to the splice trays. (Emphasis added).

Thus, contrary to the Examiner's assertion, the safety straps **62** disclosed in Bruckner et al. are not "tension members" or "bias members." Instead, the safety *straps* **62** are the well-known flexible securing straps, made for example of fabric or Velcro® material, that overwrap (i.e., *encompass*) the splice trays **26** positioned on the splice tray rack **22** within the receiving regions **50** on support surfaces **46** and secured between resilient material **52** and lips **48**. Contrary to the Examiner's assertions, the *flexible* safety straps **62** do not define an acute angle with the support **36**, and the second end of the safety straps **62** does not include an upturned lip, which can facilitate lifting of the tension member **62** relative to the splice tray **26**.

With regard to independent claim 1, the safety straps **62** are not *adapted for exerting a force having a component directed toward the support*. Nothing in Bruckner et al. identically teaches that the safety straps **62** are adapted (e.g., *biased*) so as to exert a force having a component directed toward the support surface **46**. Thus, claim 1 is patentable. Claims 2, 3 and 5 depend directly from patentable base claim 1, and thus, are likewise allowable for at least the same reasons. Furthermore, the *flexible* safety straps **62** disclosed by Bruckner et al. do not (i.e., *cannot*) extend towards the support surface **46** so as to define an acute angle with the support surface. Therefore, claim 2 is patentable for at least this additional reason. Furthermore, the second end of the flexible safety straps **62** does not comprise an upturned lip to facilitate lifting of the safety strap. As best shown in FIG. 1, only a portion of the safety straps **62** is illustrated in FIGS. 1 and 4. The safety straps **62** are cut-off for purposes of clarity, and it is merely coincidental that the upper safety strap **62** shown in FIG. 4 *appears* to comprise an upturned lip at its second (i.e., truncated) end. In actuality, one or both of the safety straps **62** must be *flexible* and *substantially longer* in order to encompass the plurality of splice trays **26**. Therefore, claim 5

is patentable for at least this additional reason.

With regard to independent claim 7, the safety straps **62** are not equivalent to the claimed *bias member for urging the at least one tray toward the support*. Nothing in Bruckner et al. identically teaches that the safety straps **62** are biased so as to urge the splice tray(s) **26** toward the support surface(s) **46**. Thus, claim 7 is patentable. Claims 8-10 and 12 depend directly or indirectly from patentable base claim 7, and thus, are likewise allowable for at least the same reasons. Furthermore, the flexible safety straps **62** *cannot* be adapted (e.g., *biased*) so as to exert a force having a component directed toward the support surface **46**. Therefore, claim 8 is patentable for at least this additional reason. Furthermore, as described above, the *flexible* safety straps **62** disclosed by Bruckner et al. do not (i.e., *cannot*) extend towards the support surface **46** so as to define an acute angle with the support surface. Therefore, claim 9 is patentable for at least this additional reason. Furthermore, as described above, the second end of the flexible safety straps **62** does not comprise an upturned lip to facilitate lifting of the safety strap. Therefore, claim 12 is patentable for at least this additional reason. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 1-3, 5, 7-10 and 12 under 35 U.S.C. §102(b).

Allowable Subject Matter

Pursuant to paragraph 4 of the Office Action, claims 4, 6, 11 and 13 stand objected to as being dependent upon a rejected base claim. Applicants gratefully acknowledge the Examiner's indication that claims 4, 6, 11 and 13 would be allowable if rewritten in independent form including all of the limitations of the corresponding base claim and any intervening claims. For the reasons stated hereinabove, Applicants submit that independent claims 1 and 7 are patentable, and thus, dependent claims 4, 6, 11 and 13 are likewise allowable for at least the same reasons. Accordingly, Applicants have elected to not rewrite the allowable claims in independent form at this time, as suggested by the Examiner.

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CONCLUSION

In view of the foregoing remarks, Applicants submit that the pending claims 1-13 are patentable and that the application is in condition for immediate allowance. This response is being timely filed and no new claims are presented for examination. Thus, no fees are believed to be due. Regardless, the Examiner is authorized to charge any required fees, including any fee for excess claims or any fee for an extension of time not already accounted for, to Deposit Account No. 19-2167. The Examiner should credit any overpayment of fees to Deposit Account No. 19-2167.

The Examiner is encouraged to telephone the undersigned directly to discuss the merits of this application and thereby resolve any outstanding issues in order to expedite passage of the application to allowance.

Respectfully submitted,

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